

## Land Charges (Ireland) Bill.

### MEMORANDUM.

The Bill deals chiefly with the following subjects :—

1. Redemption of Incumbrances (clauses 1–35);
2. Tithe Rentcharge (clauses 36–39);
3. Church Perpetuities (clause 40);
4. Board of Works Loans (clause 41);
5. Succession Duty (clause 42);
6. Poor rates on holdings valued at and under 4l. (clause 43).

The Bill has been framed mainly with the following objects in view :—

- (a.) To mitigate the losses which Irish landowners and incumbrancers have suffered from recent legislation;
- (b.) To restore, as far as may be, the credit and marketable value of land and landed securities in Ireland; and
- (c.) Generally to facilitate the claims of Irish landowners and incumbrancers being brought formally before Parliament at the earliest suitable opportunity, either in one Bill or in several.

The financial proposals in the Bill are calculated to pay off incumbrances, tithe rentcharge, and Board of Works' loans, by annuities of  $3\frac{1}{2}$  per cent., payable for  $65\frac{1}{2}$  years from the dates named in the Bill. These annuities are calculated at 3 per cent. for interest, and one-half per cent. for a sinking fund (accumulated *half-yearly* at 3 per cent. interest). The 4 per cent. annuities created under the Land Acts of 1885 and 1887 were for a period of 49 years, the interest being  $3\frac{1}{2}$  per cent., and the sinking fund  $\frac{1}{2}$ th per cent. (accumulated *yearly* at  $3\frac{1}{2}$  per cent. interest). At the present time, however, an annuity with interest at 3 per cent. would appear to be more favourable to the State, and to afford a much larger margin for working expenses, &c., than an annuity with interest at  $3\frac{1}{2}$  per cent. was in 1885 or 1887. At those dates the State could not borrow money under 3 per cent.; it can now borrow at a little over  $2\frac{1}{2}$  per cent. under the National Debt (Con-

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version) Act of 1888 ; and in about 14 years (after 5th April 1903) it is calculated that it will be able to borrow at  $2\frac{1}{2}$  per cent., and this Bill extends the term from 49 to 65½ years.

#### REDEMPTION OF INCUMBRANCES.

The Bill makes the following proposals :—

- (a.) The Land Commission to keep a register of incumbrances for the purposes of the Act.
- (b.) The Land Commission, on the application of any owner made within five years from the passing of the Act, to be required to investigate the title and security of any incumbrance on his property. No charge to be made for such investigation ; (*vide* similar provision in Land Purchase Act of 1885, 48 & 49 Vict. c. 72. s. 14., last paragraph).
- (c.) When the Land Commission approve of the title and security, such incumbrance to be at once entered on the incumbrance register.
- (d.) Any costs necessarily and properly incurred by either owner or incumbrancer in connexion with the application, or the investigation of title and security, may be charged upon the lands and have the same priority as the incumbrance.
- (e.) The Land Commission to be required at any time to convert any incumbrance entered on the incumbrance register into debentures to the amount thereof, in sums of 100*l.*, 500*l.*, or 1,000*l.*, bearing interest at  $3\frac{1}{2}$  per cent. per annum, and charged upon the lands in the same priority as the incumbrance.
- (f.) Such debentures to be issued to the incumbrancer, if he consent to accept them ; and if not, to any other person who may be willing to accept them and pay off the incumbrance.
- (g.) On the issue of any such debentures the lands to be charged in favour of the Land Commission with an annuity of  $3\frac{1}{2}$  per cent. on their amount until they are drawn for payment and for 65½ years afterwards.
- (h.) Debentures to be registered or to bearer, at the option of the holder for the time being.
- (i.) The Land Commission to pay the interest on the debentures, and to be liable for the punctual payment thereof.
- (k.) The Treasury to make advances to the Land Commission for the purposes of the Act from time to time up to a certain specified sum, which is suggested in the Bill as ten millions sterling.

- (l.) Debentures to be paid off at par from time to time by annual drawings until the ten millions have been exhausted. After that date the amount available yearly for further drawings would be whatever sum had been repaid to the State during the previous twelve months in reduction of the principal or capital amount of previous advances made by the State. Such repayments would arise (1) from the operation of the sinking fund, (2) by debentures being redeemed by or upon the sale of any property on which they were charged, and (3) by the owner of the property voluntarily redeeming debentures charged upon it. (Under these provisions the total sum due to the State could never exceed ten millions sterling, but it would never be less than that amount until all debentures issued in respect of incumbrances entered on the incumbrance register had been drawn and paid off. From and after this latter event the total of ten millions due to the State would decrease every year and be finally repaid in full at the end of 65½ years).
- (u.) The present unappropriated balance of the Irish Church surplus, together with the future increments thereof (arising from repayments on foot of loans made out of or secured upon said surplus), to be charged in favour of the Treasury and the Land Commission with any loss that might at any time accrue in the repayment of said sum of ten millions or of the annuities due upon the debentures.

To protect the State and the general taxpayer it is proposed in the Bill that the Treasury and the Land Commission should be secured by a charge upon the unappropriated balance of the Irish Church surplus, and the future increments thereof.

#### TITLE RENTCHARGE.

The ecclesiastical title rentcharge which vested in the Church Temporalities Commissioners under the Irish Church Act, 1869, amounted to about 410,000*l.* per annum.

The amount which has been purchased for cash since that date represents about 25,000*l.* per annum.

The amount which has been converted into 82 years' annuities in the same period is about 208,000*l.* per annum.

And the amount which has not been either sold or converted but remains payable in perpetuity to the Land Commission (as successors of the Church Temporalities Commission), is about 182,000*l.* per annum.

The amount, therefore, which is still payable to the Land Commission by Irish landowners, either in instalments spread over 52 years or in perpetuity, represents about 385,000*l.* a year.

This amount is probably not more than between 3 and 4 per cent. on the rental of Ireland as a whole, but in many localities it is a much heavier charge than in others. It appears from the final Report of the Church Temporalities Commissioners (Par. Paper, No. C. 2773 (1880), page 6), that tithe rentcharge was payable by about 36,000 persons in 1869, and the number cannot be much fewer at the present time.

Until the year 1872 Irish landowners liable to pay ecclesiastical tithes possessed the right of getting the amount of their tithes revised every seven years, according to the price of corn.

In 1872 an Act of Parliament was passed depriving Irish landowners of the right to obtain any further revision of tithes payable to the State, but the Act did not interfere with lay tithes payable to private individuals.

It is proposed that the State should now restore to Irish landowners the right which they possessed down to 1872 in respect of tithes payable to the State, and that there should be a revision of the terms for the purchase of tithes or their conversion into terminable annuities.

In all such cases the Land Commission is at present bound to require 22½ years' purchase, or an annuity of 4*l.* 9*s.* 0*d.* per cent. for 52 years on a capital sum representing 22½ years' purchase.

The Bill makes the following provisions :—

- (1.) In cases where the tithe rent-charge has been converted into a capital sum payable by instalments for 52 years, the present value of such capital sum to be ascertained, and then reduced in the same proportion as the average price of corn for seven years ended 1888 is below its average price for seven years ended 1872.
- (2.) Such reduced capital sum to be made repayable by an annuity thereon of 3½ per cent. for 65½ years from 1889.
- (3.) Where the original annuity is in arrear, if a portion thereof be paid equivalent to one-half of one yearly instalment, the residue of such arrears may then be made repayable by adding to the reduced annuity an annual sum equal to 3½ per cent. on the amount of such residue of the arrears.
- (4.) In cases where the rentcharge has not been converted, the tithe payor to be entitled to take the proceedings which he could have taken prior to the Act of 1872 to vary the amount of the rentcharge according to the price of corn.

- (5.) The Land Commission to be authorised to accept 20 instead of 22½ years' purchase for any tithe rentcharge sold by them.
- (6.) Where any tithe rentcharge is hereafter converted into a terminable annuity, if there are half-yearly payments thereof in arrear (in excess of the half-year due immediately before such sale), and if one half-yearly payment so in arrear be paid, the residue of such arrears may then be made repayable by adding to the annuity an annual sum equal to 3½ per cent. on the amount of such residue of the arrears.
- (7.) In cases where any lands are sold under the Land Law (Ireland) Acts, or by order of the Land Judges Division of the High Court, any tithe rentcharge payable thereout to be redeemable out of the purchase-money for the same number of years' purchase as has been obtained for the rest of the property.

#### CHURCH PERPETUITIES.

The tenures commonly called Church Perpetuities were first created in 1833, by the Church Temporalities (Ireland) Act (3 & 4 Will. 4. c. 37. ss. 128-159). They consisted of leases or grants in perpetuity, at rents which could be varied every seven years, like tithes, according to the price of wheat or oats as advertised in the *Dublin Gazette*. They continued, however, to be subject to certain customary conditions, which were different in almost every diocese.

They were originally (*vide* section 128 of the Act above quoted), leases made by archbishops, bishops, or other sole ecclesiastical corporations, for (1) 21 years, or (2) for 21 years or three lives, or (3) for three lives, or (4) for 40 years. Such leases were generally made at a low rent, but could be renewed at stated intervals for the original term upon payment of a renewal fine. In most cases such renewal fine was payable every year, or every alternate year, or every third year, but in some instances the period was longer.

Sections 128 and 130 of the Act quoted above provided that the perpetuity rent was to be the old rent *plus* the average of the renewal fines paid or payable for the nine preceding renewals where the renewal fine was payable yearly; or *plus* the average of the renewal fines paid or payable for the three preceding renewals where the renewal fine was payable at intervals longer than a year. Exceptional cases and cases of leases for lives were dealt with by special valuations under section 131 of this Act and sections 24 and 25 of an amending Act of the year 1894 (4 & 5 Will. 4. c. 90).

When the perpetuity rent had been ascertained as above, the tenant became entitled to a perpetuity grant or conveyance, on paying a sum of money, calculated as provided by section 145 of the Act of 1833. In other words, he purchased from the bishop or the Ecclesiastical Commissioners that "fixity of tenure" which the State by the Land Act of 1881 has since conferred on other Irish tenants.

Under the joint operation of section 145 of the Act of 1833, and of the rules made under that Act, the sum to be paid by the tenant for such fixity of tenure was ascertained by the Ecclesiastical Commissioners, by estimating the full and improved annual value of the lands, deducting therefrom the perpetuity rent, and capitalising the residue at 20 years' purchase. From this capital sum 4 per cent. was then deducted, and the residue was considered to be the value of the fee. From this had to be deducted the value of the tenant's interest, which was ascertained by deducting a proportion (varying in amount in different cases, according to the custom of the diocese) of the perpetuity rent from the full annual value, and capitalising the residue at 12·521 years' purchase. The capital value of the tenant's interest thus ascertained was then deducted from the capital value of the fee as ascertained above, and the difference became the purchase-money to be paid by the tenant for the perpetuity grant or fixity of tenure.

The estates and rights of the Irish Church bishops, and those also of the Ecclesiastical Commissioners, having become vested by the Irish Church Act, 1869, in the Church Temporalities Commissioners, the latter, by their order of 30th May 1870, directed that future calculations of the capital value of the fee should continue to be ascertained as above, but that the capital value of the tenant's interest should in future be deemed to be  $17\frac{1}{2}$  times the net annual value (after deducting the perpetuity rent from the gross annual value); and that the difference between these two capital sums was to be the sum to be in future paid for the perpetuity grant or fixity of tenure.

Under the Irish Church Act (section 34, sub-section 2), the payers of perpetuity rents became entitled to purchase them at 25 years' purchase; but this amount had to be increased by the sum payable for the perpetuity grant, and both sums together frequently represented a very large number of years' purchase of the perpetuity rent alone. The purchase-money could be paid in full, or if one-fourth were paid in cash the remaining three-fourths could (under

section 52) be converted at 4 per centum interest into an instalment mortgage for 32 years.

Under the Irish Church Act of 1869, section 34, sub-sections 2 and 3, the Commissioners were bound to offer these perpetuity rents to the tenants at 25 years' purchase, and if the tenants did not buy before the 1st January 1874, they were then to be offered to the public at the same price.

The Bill extends to purchasers of church perpetuities the provisions of the 25th section of the Land Law (Ireland) Act, 1887.

#### BOARD OF WORKS LOANS.

Large advances have been made from time to time to Irish landlords under the Land Improvement Acts (10 & 11 Vict. c. 32 (1847), and the Acts amending same); under the River Drainage and Navigation Acts (5 & 6 Vict. c. 89 (1842); 26 & 27 Vict. c. 88 (1863), and the Acts amending same); and under the Irish Church Fund (Relief of Distress) Acts (1880).

These loans were for the most part made for the improvement of lands in the occupation of tenants. In all such cases arising under the Land Improvement Acts no loan was made until an inspector of the Board of Works had visited the lands and reported that the benefit from the contemplated improvements would exceed the instalments by which the loan was to be repaid. In the case of tenancies from year to year the landlord could make such addition as he thought fit to the rent towards paying the loan instalments; in leasehold cases the amount to be paid by the tenant (after the drainage or other improvements had been completed), might be settled, on the application of either landlord or tenant, by the Commissioners of Public Works (10 Vict. c. 32 s. 46.); but this method was hardly ever resorted to, and in almost every case the amount to be added to the rent, and the date at which such addition should be made, were matters of voluntary and friendly arrangement between the landlord and the tenant.

Advances under the River and Arterial Drainage and Navigation Acts have always been made to district boards; the amount for which each landlord was to be responsible was settled by the tribunal appointed by the Act, and in many such cases he had to become so liable whether he consented or not, on the ground that the proposed works would benefit the whole district, and that every riparian proprietor would, therefore, share in the advantages expected from them.

To enable the landlord to pay off his debt and lighten the annual incidence of it the Bill contains the following provisions :

- (a.) The Commissioners of Public Works to ascertain and notify to every landowner liable to pay instalments for such loans, the present capital value or amount outstanding of any loan or loans originally made to him at annuities of 5 or  $6\frac{1}{2}$  per cent. ; the annuity to be reduced to  $3\frac{1}{2}$  per cent. on such outstanding capital value, and to be payable for  $65\frac{1}{2}$  years.
- (b.) Where the instalments on any such loans are in arrear (in excess of any payment falling due on the half-yearly day next after the passing of this Act), if one half-yearly payment be made in reduction of such arrears the residue may be made repayable by adding to the annuity reduced as above an annual sum equal to  $3\frac{1}{2}$  per cent. for  $65\frac{1}{2}$  years on the amount of such residue of the arrears.

#### SUCCESSION DUTY.

The landowner has already paid, or is paying by instalments, succession duty, the amount of which was calculated, at the date of his succeeding to the property, upon the rental and saleable value of the property on the full term of the owner's expectancy of life under the actuarial tables.

The Bill provides that in certain cases the landowner should (a) be allowed to lodge a revised return for the unexpired term of his expectancy of life, in which the reductions that have been made in his rental under the Land Law (Ireland) Acts should be set forth ; (b) that a new assessment of duty should be made in which those reductions should be taken into account ; and (c) that he should be refunded any duty which he may have already paid to the State upon the capital value of that portion of his rental which the State, by the legislation in question, has taken from him and transferred to his tenants.

#### POOR RATES ON HOLDINGS VALUED AT AND UNDER 4*l*.

Under the original " Act for the more effectual relief of the " Destitute Poor in Ireland " (1 & 2 Vict. c. 56.), passed on the 31st July, 1838, " every occupier of rateable hereditaments " in Ireland (section 6) was assessed and (section 71) made liable for the payment of the poor rate, and (in the absence of any special agreement with the landlord to the contrary) he was entitled



(section 74) to deduct one-half of such poor rate when paying his rent.

Section 72, however, provided that in holdings valued under 5*l*. the occupier and immediate lessor might unite in requiring the guardians of the union to rate the lessor instead of the occupier; and if the guardians consented to do so, they were authorized to make a rebate or allowance to such lessor not exceeding ten per cent. (apparently in consideration of the rate being thus more easily collected).

By an amending Act passed 24th August 1843 (6 & 7 Vict., c. 92.), this principle was extended, and (under section 1) the immediate lessor and not the occupier was thenceforth made liable to be rated for and to pay the poor rate in respect of any rateable hereditaments the net annual value of which did not exceed 4*l*.; and if (section 3) such rate was not recovered from such lessor within five months, then the occupier could be compelled to pay same, and on doing so he became entitled to deduct the whole of such rate so paid by him from any rent which he was then or afterwards liable to pay; and if sufficient rent to cover such rate was not then or afterwards due by him, he could recover the full amount of the rate so paid by him from the immediate lessor by civil bill.

This arrangement has continued in force down to the present time.

It applies, however, to fully one-third of the agricultural holdings in Ireland, and there are many estates and many electoral divisions where all, or the great majority, of the holdings are valued at or under 4*l*.

The provisions of the Bill are intended to compel the poor law guardians in every case to assess the occupier and to collect the rate from him, who would continue to be entitled to deduct the full rate from the landlord when paying his rent. Moreover (as shown above) the tenant is liable under the existing law to be compelled to pay the rate if it has not been recovered within five months from the landlord. The poor law guardians, however, seldom put the law in force for this purpose, and the Bill proposes to amend the law so as to compel them to do so.

*Additional Powers to Trustees of Settled Land.*—Under the existing law it has been held that trustees cannot apply the proceeds of the sale of settled land in redemption of the outstanding capital amount of instalment mortgages. A clause has been inserted in the Bill to confer such powers upon them in respect of any such mortgages created under the Land Improvement and Arterial Drainage Acts, the Irish Church Acts, or the Land Law (Ireland) Acts.

*Exemption of Boycotted Lands from Rates and Taxes.*—The Bill contains provisions for enabling the owners of "boycotted" lands to claim exemption from the payment of rates and taxes in certain cases.

Land Charges (Ireland) Bill, 1889.

### ARRANGEMENT OF CLAUSES.

## PART I

## INSURANCES

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1. Register of incumbrances on land to be kept by Land Commission.
  2. Entry on incumbrance register.
  3. When incumbrance registered, debentures to be issued to incumbrancer.
  4. Provisions as to costs of investigating title and otherwise.
  5. On issue of debentures power of incumbrancer under incumbrance to cease.
  6. Annuity to be created in respect of each debenture issued.
  7. Memorial to be filed in the Registry of Deeds.
  8. Recovery of annuity.
  9. Appointment of registrar.
  10. Debenture register.
  11. New debenture to be issued for debenture worn out or lost.
  12. Transfer of debentures.
  13. Evidence on transfer.
  14. Closing of transfer books.
  15. Transmission on death.
  16. Transmission on bankruptcy, &c.
  17. Payment of interest.
  18. Payment of interest to executors, &c.
  19. Evidence of title.
  20. Payment of interest to joint holders.
  21. Interest warrants by post.
  22. Debenture with coupons to bearer.
  23. Issue of money to Land Commission by Treasury.
  24. Drawings of debentures for payment.
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## Class.

25. Amount of debentures to be drawn.
  26. Power of owner to redeem annuity.
  27. Accounts and application of moneys.
  28. Irish Church surplus collateral security for moneys advanced by Treasury.
  29. Regulations by Bank of Ireland.
  30. Trustees may hold debentures.
  31. Guarantee deposit under 48 & 49 Vict. c. 73. may be invested in debentures.
  32. Annuity to be apportionable on sale of part of land charged therewith.
  33. Forms.
  34. Fees.
  35. Rules.
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## PART II.

RE-ADJUSTMENT OF PUBLIC CHARGES AND GENERAL  
AMENDMENTS.*Tithe Rentcharge.*

36. Reduction of the annual charge payable by purchasers of tithe rentcharge under section 32 of the Irish Church Act, 1869, and section 6 of the Irish Church Act, 1869, Amendment Act, 1872.
37. Amendment of section 6 of the Irish Church Act, 1869, Amendment Act, 1872.
38. Amendment of section 7 of Irish Church Act, 1869, Amendment Act, 1872.
39. Purchaser of land under the Land Law, Ireland, Acts to be entitled to purchase tithe rentcharge on certain terms.

*Church Perpetuities.*

40. Amendment of section 25 of the Land Law (Ireland) Act, 1887.

*Board of Works Loans.*

CLASSES.

41. Reduction of interest on and extension of terms for repayment of loans under the 10 & 11 Vict. c. 32, and 26 & 27 Vict. c. 88.

*Succession Duty.*

42. New assessment of succession duty in certain cases.

*Poor Rates on Holdings Valued at and under 4l.*

43. Repeal of section 1 of 6 & 7 Vict. c. 92.

*General Amendments.*

44. On sale of settled land purchase-money may be applied to redemption of certain charges.  
45. Land to be exempted from payment of rates and taxes in certain cases.

## PART III.

## MISCELLANEOUS.

46. Interpretation of terms.  
47. Short title.

## SCHEDULES.

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## B I L L

TO

Facilitate the Re-adjustment and Redemption of Charges  
on Land in Ireland, and for other Purposes relating  
thereto. A.D. 1889

**B**E it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the authority of the same, as follows :

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## PART I.

## INCUMBRANCES.

- 1.—(1.) The Land Commission shall keep in the manner by this  
Act provided a register of incumbrances on land, to be called "the  
register of approved incumbrances" (herein-after in this Act  
10 referred to as "the incumbrance register.") Register of incumbrances on land to be kept by Land Commission.
- (2.) Any owner of land subject to any incumbrance may, at any  
time within five years from the *passing of this Act*, make applica-  
tion in the prescribed form to the Land Commission to enter such  
incumbrance on the incumbrance register.
- 15 (3.) Such application shall state the amount secured or charged  
on the land by such incumbrance, the rate of interest payable on  
the same, the date and description of the instrument creating such  
incumbrance, the description and extent of the lands on which  
the same is charged, the valuation of such lands according to the  
20 Acts for the valuation of rateable property in Ireland and such  
other particulars or information as may from time to time be  
prescribed.
- (4.) Such application shall thereupon be taken into consideration  
by the Land Commission who may require such evidence, and such  
25 further particulars or information as they think necessary to be  
furnished by the applicant.

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(5.) The Land Commission, if satisfied that the security for the incumbrance is sufficient, may by order so declare and direct the same to be entered on the incumbrance register. If the Land Commission are of opinion that there is sufficient security for part only of such incumbrance, they may by their order so declare 5 and direct the incumbrance to be entered on the register in respect of that part only, being *one hundred pounds* or some multiple thereof.

Entry on  
incumbrance  
register.

2.—(1.) Every incumbrance when entered on the incumbrance register shall be distinguished by a number to be called "the 10 registered number," and the entry shall state the amount of the incumbrance, the date and other description of the instrument creating the same, the description, extent, and valuation of the lands on which the same is charged, the name and address of the incumbrancer, and such further or other particulars as may from 15 time to time be proscribed.

(2.) The incumbrance register shall be *prima facie* evidence of any matter entered therein in accordance with this part of this Act.

When incumbrance registered, debentures to be issued to incumbrancer.

3.—(1.) When an incumbrance has been entered on the incum- 20 brance register the Land Commission shall, upon the application of the owner, issue debentures to the amount thereof. Such debentures shall be issued either to the incumbrancer, if he consent thereto, or to any person willing to pay off the incumbrance, on payment off by him of the incumbrance. Where the registered 25 incumbrance is part only of the original incumbrance, and the incumbrancer does not consent to the issue of debentures to him in respect of such registered part, he shall be bound to accept payment off of such registered part from any person who may be willing to pay off the same and to take the debentures in lieu 30 thereof.

(2.) Where a married woman is an incumbrancer she shall be competent to consent to the issue of debentures to her, and the consent of her husband shall not be required. Where the incumbrancer is an infant, or person of unsound mind, such consent may 35 be given by the trustees, guardian, committee, or other person entitled for the time being to receive payment of the interest on such incumbrance, or if there is no such person then by such person and in such manner as the Land Commission, on the application of the next friend of the infant or person of unsound mind, 40 may order.

(3.) Where the incumbrance is an annuity, rentcharge, or other periodical charge, the capitalised value thereof shall be the amount for which debentures shall be issued, and such capitalised value shall be ascertained as follows, that is to say :—

- 5 (a.) Where such annuity, rentcharge, or other periodical charge is by the instrument creating the same, or any other instrument made purchasable on payment of a gross sum of money, such gross sum of money shall be the capitalised value.
- 10 (b.) In all other cases such sum as the owner of the land, and the person for the time being entitled to the payment of such annuity, rentcharge, or other periodical charge, shall, with the consent of the Land Commission, determine.
- (4.) Debentures shall be for the sums of *one hundred pounds*,  
15 *five hundred pounds*, or *one thousand pounds*, and bear interest at the rate of *three pounds ten shillings* per centum per annum. Where the incumbrance is for some sum other than a multiple of one hundred pounds, the owner may, on the issue of the debentures, pay off the fractional part of one hundred pounds, or the person  
20 entitled to receive the debentures under the provisions of this Act may pay to the owner such amount as will make up the incumbrance to a multiple of one hundred pounds, and the incumbrance shall be deemed to be increased by that amount accordingly.
- (5.) Each debenture shall be distinguished by a number, and  
25 shall state the incumbrance in respect of which it is issued, describing the same by its registered number, and an entry shall be made in the incumbrance register in respect of each incumbrance of the numbers of the debentures issued in respect thereof.
- 30 (6.) For the purposes of stamp duty, debentures issued in respect of any incumbrance, or any part thereof, shall be deemed to be an assignment of such incumbrance, or part thereof, as the case may be, and shall be chargeable only with a duty of *sixpence* for every hundred pounds.
- 35 (7.) Subject to the provisions of this Act the Land Commission may from time to time give in exchange for debentures of one denomination debentures to the same amount of any other denomination, but so that every debenture so issued shall relate to one and the same incumbrance only.
- 40 (8.) The interest on each debenture shall be paid by the Land Commission half-yearly on the *first day of April* and *first day of*



A.D. 1889. *October* in each year, or on such other days as shall be fixed by the Land Commission.

Provisions  
as to costs  
of investigat-  
ing title and  
otherwise.

4. No charge shall be made in respect of any investigation by the Land Commission of the title of any owner or incumbrancer. Any costs necessarily and properly incurred by any owner or 5 incumbrancer in respect of or incidental to any application to enter an incumbrance on the incumbrance register, including the furnishing of the abstract of title and the verification of the same, shall, on the application of the owner, if the incumbrance or any part thereof is entered on the incumbrance register, be taxed by 10 the Land Commission, and shall on the issue of debentures in respect of such incumbrance be paid by the Land Commission to the persons entitled to receive the same. An annuity at the rate of *three pounds ten shillings* per centum on the amount so paid for a term of *sixty-five and a half years* shall be charged in favour of 15 the Land Commission on the land subject to the incumbrance, and shall have the same priority as the incumbrance.

On issue of  
debentures  
power of in-  
cumbrancer  
under incum-  
brance to  
cease.

5. On the issue of debentures under this Act in respect of any incumbrance, such incumbrance shall, save as by this Act provided, be deemed to be cancelled, and such deeds, documents, or other 20 assurances relating to the incumbrance, or the land subject thereto, in the possession of the owner or incumbrancer, as the Land Commission shall direct, shall be delivered to the Land Commission. Where part only of an incumbrance has been entered on the incumbrance register, and debentures issued in respect of that 25 part, the residue of such incumbrance shall be deemed to be postponed to the part so registered, and the incumbrancer shall, as regards such residue, have all the rights, powers, and remedies which he had or enjoyed under or by virtue of the incumbrance before any part thereof was registered, but subject to the priority 30 of the part registered.

Annuity to  
be created in  
respect of  
each debenture  
issued.

6.—(1.) On the issue of every debenture under this Act, there shall be charged, in favour of the Land Commission, on the land subject to the incumbrance in respect of which such debenture shall have been issued, an annuity of *three pounds ten shillings* per 35 centum on the amount of such debenture till such debenture is paid off under the provisions of this Act, and for the term of *sixty-five and a half years* afterwards.

(2.) Every such annuity shall be a charge on the land subject thereto having the same priority as the incumbrance in respect of 40 which it is created.

(3.) Every such annuity shall be payable half-yearly in equal half-yearly payments on the *first day of January* and the *first day of July* in each year, with such apportionment, if any, as may be necessary in respect of the first and last of such payments.

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- 5 (4.) Whenever the debenture in respect of which the same became payable is drawn and paid off by the Land Commission under the provisions of this Act, such annuity shall thenceforth be deemed to be as to *three pounds* for payment of interest and as to *ten shillings* for repayment of principal.

- 10 7.—(1.) The Land Commission shall, upon the issue of any debentures under the provisions of this Act, file in the Registry of Deeds in Dublin a memorial under the seal of the Land Commission, setting forth the short particulars of the incumbrance in respect of which the debentures are issued, and that the incumbrance, or  
15 some, and what, part thereof is thereby cancelled, the name or description of the lands affected by the incumbrance, and the townland, parish, or barony in which they are situate, and such other particulars as are now required in memorials filed in the said Registry of Deeds.

Memorial to be filed in the Registry of Deeds.

- 20 (2.) When any debenture is drawn under the provisions of this Act a similar memorial shall be filed, stating the numbers and amounts of the debenture or debentures drawn, and the amount of the annuity payable to the Land Commission in respect thereof.

- 25 (3.) All such memorials shall have the same force and effect as memorials of deeds now have under the provisions of the Acts relating to the registry of deeds in Ireland.

(4.) Such memorials shall be prepared and filed by and at the expense of the Land Commission.

- 30 8.—(1.) Every annuity created in pursuance of this Act shall be payable by the owner for the time being of the land charged therewith, and shall be recoverable by the Land Commission in the same manner as rentcharges in lieu of tithes are recoverable in Ireland.

Recovery of annuity.

- 35 (2.) A certificate under seal of the Land Commission shall be evidence that the amount of any annuity or arrears of annuity stated therein to be due under this Act from any person named therein, is due to the Land Commission from such person.

- 40 (3.) In case any half-yearly payment of any annuity or any part thereof shall be in arrear for forty days after the time when the same became due, it shall be lawful for the Land Commission to exercise the powers of sale and other powers conferred upon

A.D. 1889. mortgagees by sections nineteen, twenty-one, and twenty-two of the Conveyancing and Law of Property Act, 1881, so far as the same are applicable, and such powers shall be deemed to be incident to the annuity.

(4.) The Land Commission shall apply the moneys arising on any such sale in payment of all expenses incurred by the Land Commission in relation to such sale, or otherwise, with respect to the annuity, and of all moneys due to them in respect of the annuity, and in redemption on the terms specified in section twenty-six of this Act of any annuity charged on the said land in favour of the Land Commission, and shall pay the balance to the persons appearing to the Land Commission to be for the time being entitled to receive the same.

Appointment  
of registrar.

9.—(1.) The Land Commission may, if they think fit, and on and subject to such terms and instructions not inconsistent with any provision of this part of this Act as they think expedient, and as shall be sanctioned by the Treasury, appoint and keep appointed an officer of the Land Commission or the Bank of Ireland, as registrar for all or any of the purposes of this part of this Act, (in this part of this Act referred to as the registrar).

(2.) The Land Commission, in relation to the provisions of this part of this Act, and the registrar, shall respectively be deemed a banker within the Bankers' Books Evidence Act, 1870.

Debenture  
register.

10.—(1.) The Land Commission or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of the debentures and the numbers of the debentures held by them (in this Act referred to as the debenture register).

(2.) The debenture register shall be *prima facie* evidence of any matter entered therein in accordance with this part of this Act, and of the title of the persons entered therein as holders of debentures.

New debenture to be issued for debenture worn out or lost.

11.—(1.) If a debenture is worn out or damaged the Land Commission on production thereof may cancel it and give a similar debenture to the registered holder thereof.

(2.) If a debenture is lost or destroyed, the Land Commission, on proof thereof to their satisfaction, may give a similar debenture to the registered holder thereof.

(3.) An entry of the issue of a substituted debenture shall be made in the debenture register, and the substituted debenture shall be distinguished by the same number as the debenture for which it is substituted.

12.—(1.) Except as herein-after provided, every transfer of debentures shall be by deed. A.D. 1888.

(2.) The deed of transfer shall relate only to the transfer, and shall not contain any recital, trust, power, or proviso whatsoever. Transfer of debentures.

5 (3.) The deed of transfer, when duly executed, shall be delivered to and kept by the Land Commission or the registrar, and the Land Commission or the registrar shall enter a memorial thereof in a book to be called the register of transfers of debentures, and shall endorse on the deed of transfer a notice of that entry.

10 (4.) The Land Commission or the registrar shall, on demand and on delivery up of the old debenture, or on proof satisfactory to the Land Commission of its absence, deliver a new debenture to the purchaser, or shall, at the option of the purchaser, make an indorsement of the transfer on the existing debenture, which  
15 indorsement being signed by direction of the Land Commission or by the registrar shall be equivalent to a new debenture. A new debenture shall be distinguished by the same number as the old debenture in substitution of which it is issued.

(5.) Until the deed of transfer has been so delivered to the Land  
20 Commission or the registrar, the Land Commission or the registrar shall not be affected thereby, and the purchaser of the debenture shall not be entitled to receive any interest thereon.

13.—(1.) The Land Commission or the registrar, before allowing any transfer of debentures, may, if the circumstances of the case  
25 appear to them or him to make it expedient, require evidence of the title of any person claiming a right to make the transfer. Evidence on transfer.

(2.) That evidence shall be a statutory declaration of one or more competent persons, or of such other nature as the Land Commission, or the registrar, with the approval of the Land Commission, may  
30 require.

14.—(1.) The Land Commission, or the registrar with the approval of the Land Commission, may close the register of transfers of debentures on any day in the month next before that  
in which interest on the debentures is payable, but so that the  
35 books be not at any time kept closed for more than fifteen days. Closing of transfer books.

(2.) The persons who on the day of such closing are inscribed as debenture holders shall, as between them and their transferees, be entitled to the interest next payable thereon.

15.—(1.) The interest in a debenture of a debenture holder  
40 dying, shall be transferable by his executors or administrators, notwithstanding any specific bequest thereof. Transmission on death.

A.D. 1889.

(2.) The Land Commission or the registrar shall not be required to allow any executors or administrators to transfer any debenture until the probate of the will of, or the letters of administration to the deceased, has or have been left with the Land Commission or the registrar for registration, and may require all the executors 5 who have proved the will to join in the transfer.

Transmission on  
bankruptcy,  
&c.

16.—(1.) If the interest in any debenture has become transmitted in consequence of the bankruptcy of a debenture holder, or by any lawful means other than a transfer by deed, or than the death of a debenture holder, that transmission shall be authenticated by a statutory declaration of one or more competent persons, 10 or in such other manner as the Land Commission or the registrar require.

(2.) The declaration shall state the manner in which, and the party to whom the debenture has been transmitted, and shall be 15 left with the Land Commission or the registrar.

(3.) The name of the person entitled under the transmission shall be entered in the debenture register.

(4.) Until the transmission has been so authenticated the Land Commission or the registrar shall not be affected thereby, and no 20 person claiming by virtue thereof shall be entitled to receive any interest on the debenture.

(5.) In this section the term transmission includes any case of apparent transmission, in consequence of the change of name of the debenture holder, although the actual ownership of the 25 debenture may remain unaltered.

Payment of  
interest.

17. The Land Commission may pay by the registrar the interest on debentures.

Payment of  
interest to  
executors,  
&c.

18. The Land Commission or the registrar shall not be required to allow any executors or administrators to receive any interest 30 on any debenture held by their testator or intestate, until the probate of the will or the letters of administration has or have been left with the Land Commission or the registrar for registration.

Evidence of  
title.

19. The Land Commission or the registrar, before allowing the 35 receipt of any interest on any debenture, may, if the circumstances of the case appear to them or him to make it expedient, require evidence of the title of any person claiming a right to receive the dividend, and that evidence shall be a statutory declaration of competent persons, or of such other nature as the Land Commission 40 or the registrar may require.

20.—(1.) Where more persons than one are registered as joint holders of any debenture, any one of them may give an effectual receipt for any interest thereon, unless notice to the contrary has been given to the Land Commission or the registrar by any other  
5 of them.

(2.) Where any debenture is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability, a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given  
10 under the hand and seal of the person not under disability, attested by two or more credible witnesses, but the Land Commission or the registrar before acting on the letter of attorney may, if they or he think fit, require proof to their or his satisfaction, of the alleged infancy or unsoundness of mind by a statutory declaration  
15 of one or more competent persons.

21.—(1.) Where a debenture holder desires to have his interest warrant sent to him by post, he may make a request for that purpose to the Land Commission or the registrar in writing signed by him in a form approved by the Land Commission; and shall  
20 give to the Land Commission or the registrar an address in the United Kingdom, or the Channel Islands, or the Isle of Man, to which the letters containing the warrants are from time to time to be sent.

(2.) The posting by the Land Commission or the registrar of a  
25 letter containing an interest warrant addressed to a debenture holder at his request at the address so given by him shall, as respects the liability of the Land Commission and of the registrar, be equivalent to the delivery of the warrant to the debenture holder himself.

22.—(1.) On demand of any incumbrancer entitled to receive debentures under the provisions of this Act, or of any debenture holder, the Land Commission or the registrar may issue to the incumbrancer or to the debenture holder, as the case may be, debentures to bearer, that is to say, debentures entitling the bearer  
30 to the money thereby secured, and transferable by delivery, with coupons entitling the bearer of the coupons to the interest on the debenture, but so that no such debenture or coupons shall give a title to interest after the debenture has been drawn and the time for payment has passed.

40 (2.) Notwithstanding anything in this Act a trustee shall not purchase, take, or hold a debenture to bearer unless he is in express words authorised to do so by the instrument creating his

A.D. 1889

Payment of interest to joint holders.

Interest warrants by post.

Debenture with coupons to bearer.

A.D. 1889. trust, and any contravention of this provision by a trustee shall be deemed a breach of trust, but this provision shall not impose on the Land Commission or the registrar, an obligation to enquire or to take notice whether a person applying for or holding a debenture to bearer is or is not a trustee, or subject the Land Commission or 5 the registrar to any liability in case of their or his, with or without notice, issuing to a trustee a debenture to bearer, or invalidate any debenture to bearer issued.

(3.) The bearer of a debenture to bearer may, on the delivery up to the Land Commission or the registrar of the debenture, and all 10 unpaid coupons belonging thereto, require to be entered in the debenture register as the holder of the debenture, and thereupon he shall be so entered and a new debenture shall be issued to him accordingly, and shall be transferable by deed.

(4.) The coupons issued with a debenture to bearer shall comprise 15 the interest to be paid in respect thereof for such period as the Land Commission approve.

(5.) At the end of that period fresh coupons may be issued for such farther period as the Land Commission approve, and so for successive periods, but the Land Commission or the registrar may, 20 in lieu of issuing fresh coupons in respect of any debenture to bearer, give in exchange a fresh debenture with coupons.

(6.) Payment to the bearer of a coupon of the amount expressed thereupon shall be a full discharge to the Land Commission and to the registrar from all liability in respect of that coupon and the 25 interest represented thereby.

(7.) If a debenture to bearer or coupon is worn out or damaged, the Land Commission or the registrar, on production and delivery up thereof, may cancel it, and issue a new debenture or coupon.

(8.) If a debenture to bearer or coupon is lost or destroyed, the 30 Land Commission or the registrar may, on proof of the same, issue a new debenture or coupon, on receiving indemnity to the satisfaction of the Land Commission against the claims of all persons deriving title under the debenture or coupon lost or destroyed.

(9.) When any debenture to bearer is drawn for redemption 35 under the provisions of this Act, the same, together with all unpaid coupons, shall be delivered up to the Land Commission or the registrar.

Issue of  
money to  
Land Com-  
mission by  
Treasury.

23. *There shall be issued to the Land Commission for the purposes of this part of this Act at such times, and in such sums, and 40 in such manner as the Treasury shall determine any sums of money not exceeding in the whole ten million pounds, and the Treasury*

may from time to time issue to the Land Commission the said sum of ten million pounds out of the Consolidated Fund or the growing produce thereof. Any sums repaid to the Treasury from time to time, by way of repayment of principal, under the provisions of this part of this Act, may be again issued by the Treasury to the Land Commission for the purposes of this part of this Act, so long as any debentures issued under the provisions of this Act remain unredeemed.

A.D. 1889.

24.—(1.) In the month of December in the year one thousand eight hundred and ninety, and in every succeeding year as long as any debentures issued under this Act are unredeemed, debentures to an amount to be fixed by the Land Commission in the manner herein-after in this Act provided, shall be drawn for redemption.

Drawings of  
debentures  
for payment.

(2.) The drawing shall take place in public in the presence of one of the Land Commissioners, and shall be conducted in such manner and according to such rules and regulations as shall from time to time be prescribed by the Land Commission with the approval of the Treasury.

(3.) The numbers of the debentures drawn for redemption shall be advertised in two successive weeks in the *Dublin Gazette*.

(4.) Every debenture so drawn shall be paid off by the Land Commission on the first day of April following, and from that date no further interest shall be payable by the Land Commission in respect thereof.

25. 25.—(1.) Before each drawing the amount of the debentures to be drawn thereat, shall be fixed by the Land Commission with the consent of the Treasury.

Amount of  
debentures  
to be drawn.

(2.) When the drawings have absorbed the whole of the said sum of ten million pounds, the amount to be drawn at any subsequent drawing shall not exceed such sum as may have been repaid to the Land Commission by way of repayment of principal under the provisions of this Act, and has not been applied to the payment off of debentures at any preceding drawing.

26. Where any land is charged with an annuity in favour of the Land Commission, any person liable to pay such annuity may redeem the same or so much thereof as may at any time remain unexpired by payment to the Land Commission of a sum of money equivalent to the then value of the annuity, such value to be calculated according to the table in the First Schedule to this Act annexed.

Power of  
owner to  
redeem  
annuity.



A.D. 1829.

Accounts  
and applica-  
tion of  
moneys.

27.—(1.) The Land Commission shall keep accounts in such form as the Treasury shall direct of all moneys received by them under this Act.

(2.) The said sum of *ten million pounds*, as well as any further sums which shall have been repaid to the Treasury, as repayments of principal or otherwise, under the provisions of this part of this Act, and which may have been subsequently re-issued by the Treasury to the Land Commission for the purposes of this part of this Act, shall be primarily applicable to the payment off of debentures in the manner by this Act provided.

(3.) The moneys received by the Land Commission from the annuities created under this Act, so far as the same represent interest, shall be primarily applicable to the payment of interest on the debentures issued under this Act.

(4.) Any part of the said sum of *ten million pounds*, and any part of any other sums issued by the Treasury to the Land Commission under the provisions of this Act for the payment off of debentures, may be applied by the Land Commission from time to time to the payment of interest on the debentures then outstanding. Any sum so applied shall be a debt due from the interest account to the principal account and shall be repaid to the principal account out of the moneys standing to the credit of the interest account at such time as the Treasury shall direct.

(5.) Whenever in the judgment of the Treasury the amount standing to the credit of the interest account is more than sufficient to make reasonable provision for the payment of interest on the debentures then outstanding, such sum as the Treasury shall direct shall be paid back to the Consolidated Fund, *but any sum so paid back may be again issued by the Treasury to the Land Commission for the purposes of this Act.*

(6.) When all the debentures issued under this Act shall have been paid off all payments to the Land Commission by way of annuities or otherwise under this Act shall be paid to the Consolidated Fund in such manner as the Treasury may direct.

Irish Church  
surplus  
collateral  
security for  
moneys ad-  
vanced by  
Treasury.

28.—(1.) All the property transferred to the Land Commission by or under the provisions of the Irish Church Act Amendment Act, 1881, including all moneys payable to the Land Commission in respect of any advances made by the Corporation of the Commissioners of Church Temporalities in Ireland, or in respect of any advances made by the Land Commission out of, or on the security of the said property (all which property is herein-after in this section referred to as "the Irish Church Surplus,") shall, subject

to any charges now affecting the same, be charged by way of collateral security, with the repayment of the moneys issued by the Treasury to the Land Commission under the provisions of this Act.

A.D. 1880.

- 5 (2.) If on the sale by the Land Commission under the powers contained in the eighth section of this Act of any land charged with any annuity, the amount arising from such sale shall not be sufficient to meet the payments in that section mentioned, it shall be lawful for the Land Commission by order to declare the balance  
10 of such payments an irrecoverable debt, and thereupon with the consent of the Treasury, to transfer the amount thereof from the Irish Church surplus to the accounts to be kept under this Act, and apportion the same between the principal and interest accounts.
- 15 (3.) The Land Commission may from time to time apply any part of the Irish Church surplus then in their hands, and not specifically applicable to any other purpose, to the payment of interest on the debentures then outstanding. Any sum so applied shall be a debt due from the interest account under this Act to the  
20 Irish Church surplus, and shall be repaid to the Irish Church surplus out of the moneys standing to the credit of the interest account at such time as the Treasury shall direct.

29. Where the Bank of Ireland are the registrar, they may, with the sanction of the Land Commission, from time to time  
25 issue any forms that may be required for carrying into effect the provisions of this part of this Act, and may also from time to time make any regulations that are not inconsistent with this part of this Act relative to the carrying into effect of the provisions of this part of this Act which relate to or affect the Bank, and when made  
30 may alter, vary, or repeal any such regulations, and make other regulations instead thereof, or in addition thereto, and any such regulations for the time being in force shall be duly observed.

Regulations  
by Bank of  
Ireland.

30. Trustees or other persons for the time being authorised to invest money on mortgage of land in Ireland, or in the mortgages,  
35 debentures, or debenture stock of any railway or other company, shall unless the contrary is provided by the instrument authorising the investment have the same power of investing that money in debentures issued under this Act, other than debentures payable to bearer, as they have of investing it in a mortgage of land in Ireland,  
40 or in the mortgages, debentures, or debenture stock of any railway or other company.

Trustees  
may hold  
debentures.

31. A guarantee deposit made under the Purchase of Land (Ireland) Act, 1885, may, on the application of the person by

Guarantee  
deposit under  
48 & 49 Vict.  
c. 73, may  
be invested

[106.]

C

A.D. 1889.

in debentures.

Annuity to be apportionable on sale of part of land charged therewith.

whom the deposit was made, or of any person for the time being interested in it, be invested by the Land Commission in debentures issued under this Act.

**32.**—(1.) When any land sold under the Land Law (Ireland) Acts is subject with other lands to any annuity created under this Act, the Land Commission may, if they think it expedient, apportion such annuity between the land sold and the other land in such manner as to them seems equitable, and upon such apportionment being made such portion of the annuity as is apportioned to the land sold shall alone be deemed to be the annuity chargeable on the land sold.

(2.) The Land Commission may, if they deem it expedient, order the redemption of any annuity, or any apportioned part thereof, in accordance with the scale fixed by this Act.

Forms.

**33.** The forms given in the Second Schedule to this Act annexed may be used for the purposes therein indicated, and the same or forms to the like effect, with such variations or additions as circumstances require, shall be effectual for these purposes.

Fees.

**34.**—(1.) Fees not exceeding those specified in the Third Schedule to this Act annexed may be taken by or on behalf of the Land Commission in the cases therein mentioned.

(2.) The proceeds of such fees shall be applied by the Land Commission in such manner as the Treasury shall from time to time direct.

Rules.

**35.** The Land Commission may from time to time make, and when made, may rescind, amend, or add to such rules as they think necessary or expedient for carrying this part of this Act into effect, and any rules made in pursuance of this section shall be judicially noticed in all courts of Her Majesty's dominions.

## PART II.

30

## RE-ADJUSTMENT OF PUBLIC CHARGES AND GENERAL AMENDMENTS.

*Tithe Rentcharge.*

Reduction of the annual charge payable by purchasers of tithe rent-

**36.** Whereas under section thirty-two of the Irish Church Act, 1869, and section seven of the Irish Church Act, 1869, Amendment Act, 1872, the Commissioners acting under those Acts were empowered to sell any rentcharge in lieu of tithes vested in them

under the first-mentioned Act to the owner of the land charged therewith in consideration of a sum equal to twenty-two and a half times the amount of such rentcharge, and upon the application of any owner so purchasing by order to declare his purchase money to be payable by instalments, and the land out of which such rentcharge issued to be accordingly charged for fifty-two years with an annual sum calculated at the rate of four pounds nine shillings per centum on the purchase money; and whereas in calculating such annuity interest was reckoned at the rate of three-and-a-half per centum per annum; and whereas by section six of the Irish Church Act, 1869, Amendment Act, 1872, the amount of the tithe rentcharge was definitely fixed, and it was enacted that the persons liable to tithe rentcharge should not take any proceedings under section thirty-two of the Act of the session of the first and second years of Her present Majesty, chapter one hundred and nine, to vary the rentcharges with reference to the average price of corn; and whereas since such rentcharges were fixed the price of corn has fallen considerably, and it is expedient that the said annuity should be reduced in proportion to such fall in the price of corn, and the term for the payment of the same should be extended; be it therefore enacted:—

(1.) After the *passing of this Act* the Land Commission shall ascertain, and by order declare, the capital sum still outstanding in respect of the purchase money of any tithe rentcharge under the said recited Acts, or either of them.

(2.) Such capital sum shall be reduced in the same proportion as the average price of corn for the seven years ending the *first day of November one thousand eight hundred and eighty-eight*, is below the average price of corn for the seven years ending the *first day of November one thousand eight hundred and seventy-one*, and the Land Commission shall by their order declare the amount of such reduction.

(3.) The capital sum so reduced shall be deemed to be the outstanding capital sum due in respect of the purchase money of the rentcharge, and the annuity payable in respect thereof and charged on the land out of which such rentcharge issued shall be an annual sum calculated at the rate of *three pounds ten shillings* per centum on such reduced capital sum.

(4.) Such reduced annuity shall be payable for *sixty-five and a half years* from the *gale day* next after the *passing of this Act*, and shall be charged on the same land, and have the same priority, and be payable by the same person, and be recoverable

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A.D. 1888.

charge under section 32 of the Irish Church Act, 1869, and section 6 of the Irish Church Act, 1869, Amendment Act, 1872.

A.D. 1889.

in the same manner, and be subject to the same charges, if any, as the annuity or annual charge for which it is substituted, and which shall cease to be payable as from the date aforesaid.

- (5.) An order of the Land Commission under this section shall 5  
as soon as may be after the *passing of this Act* be made and notified, by post or otherwise, in manner directed by the Land Commission to the person for the time being paying the annuity or annual charge under the recited Acts, or either of them. 10
- (6.) The average price of corn for the periods mentioned in this section shall be ascertained from the prices of corn during those periods as advertised in the "Duhlin Gasette."
- (7.) When, on the gale day next after the *passing of this Act*, there are unpaid arrears of the instalments of the annuity, in 15  
excess of the payment due on that day, this section shall not apply to such annuity, except upon such order of the Treasury as herein-after mentioned.
- (8.) Where the Treasury are satisfied, upon the report of the Land Commission, that in case of an owner of land whose 20  
instalments are so in arrear the special circumstances are such that it is equitable to apply the provisions of this section to such owner, and to make such provision as is herein-after mentioned for the arrears, the Treasury may, if they think fit, order that on payment within the time limited by such order 25  
of a portion of the arrears, not being less than the amount of the annuity for six months, the remainder of the arrears shall be repayable by the addition to the amount of the reduced annuity payable under this section of an annual sum, calculated at the rate of *three pounds ten shillings* per centum on 30  
the amount of such remainder of the arrears, and upon such order being made, and portion of arrears paid, this section shall apply, and the Land Commission shall make an order accordingly, and by such order charge the land with the additional annuity for the repayment of arrears for the term 35  
of *sixty-five and a half years*, and such charge shall have the same priority as the charge on the land of the annuity in arrear.

Amendment  
of section 6  
of the Irish  
Church Act,  
1869,  
Amendment  
Act, 1872.

37. Notwithstanding anything contained in the sixth section of the Irish Church Act, 1869, Amendment Act, 1872, it shall be 40  
lawful for any owner of land subject to any title rentcharge vested in the Land Commission, at any time within one year from the

passing of this Act, to take the proceedings mentioned in the thirty-second section of the Act of the session of the first and second years of Her present Majesty, chapter one hundred and nine, to vary the tithe rentcharges with the average price of corn, and such variation shall be made accordingly, and for the purposes of this enactment the provisions of the said thirty-second section of the last-mentioned Act shall be deemed to be incorporated herewith.

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- 38.—(1.) In any sale of a tithe rentcharge made after the passing of this Act by the Land Commission under the provisions of section seven of the Irish Church Act, 1869, Amendment Act, 1872, the Land Commission may accept as the purchase money twenty times the amount of such rentcharge, less the deductions for poor rates in that section mentioned, and may by any order under that section declaring the purchase money to be payable by instalments charge the land out of which such rentcharge issued for sixty-five and a half years with an annual sum calculated at the rate of *three pounds ten shillings* per centum on the purchase money instead of the annual sum in that section mentioned.

Amendment  
of section 7  
of Irish  
Church Act,  
1869,  
Amendment  
Act, 1872.

- (2.) Where, at the time of such sale, there are unpaid arrears of such rentcharge, in excess of the half-yearly payment due on the gale day immediately preceding such sale, the Land Commission may, with the consent of the Treasury, if the special circumstances are such that in the opinion of the Land Commission it is equitable to do so, order that upon payment within the time limited by such order of a portion of the arrears, not being less than the amount of one half-yearly payment of the rentcharge, the remainder of the arrears shall be payable by the addition to the amount of the instalments or annuity of an annual sum, calculated at the rate of *three pounds ten shillings* per centum on the amount of such remainder of the arrears, and upon such order being made and portion of arrears paid, the land out of which such tithe rentcharge issued shall be charged with such additional annuity for the repayment of the arrears for the term of *sixty-five and a half years*, and such charge shall have the same priority as the tithe rentcharge in arrear.

39. Where land subject to any tithe rentcharge, vested in the Land Commission, is sold under the Land Law (Ireland) Acts, or by order of one of the Land Judges of the High Court of Justice in Ireland, it shall be lawful for the Land Commission, or such

Purchaser  
of land  
under the  
Land Law  
(Ireland)  
Acts to be

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entitled to  
purchase  
tithe rent-  
charge on  
certain  
terms.

judge, as the case may be, by order to declare that the tithe rent-charge may be purchased by the purchaser of such land at a sum equal to the same number of times the amount of such rentcharge as the annual rent or value of such land is contained in the purchase money thereof, but in ascertaining the amount of such tithe rent- 5 charge for the purposes of this section there shall be deducted therefrom such sum as the person paying the same shall be ascertained to have been on an average of the five preceding years entitled to deduct for poor rates from the tithe rentcharge payable by him, and the purchase money of any tithe rentcharge sold 10 under this section may be declared by the Land Commission payable by instalments in the same manner in all respects as if such sale had been made under the provisions of section seven of the Irish Church Act, 1869, Amendment Act, 1872, as amended by this Act. 15

#### Church Perpetuities.

Amendment  
of section 26  
of the  
Land Law  
(Ireland)  
Act, 1887.

40. The eighth sub-section of section twenty-five of the Land Law (Ireland) Act, 1887, is hereby repealed, and the provisions of that section shall apply to the purchasers of perpetuity rents, and shall take effect as from the date day next after the passing of 20 this Act.

#### Board of Works Loans.

Reduction  
of interest  
on and ex-  
tension of  
terms for  
repayment  
of loans  
under  
10 & 11 Vict.  
c. 32. and  
26 & 27 Vict.  
c. 88.

41. Whereas under an Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, and the Acts amending the same, the 25 Commissioners of Public Works in Ireland (herein-after in this section called "the Commissioners,") have made loans to owners of land, and the lands, in respect of which such loans were made have, under the provisions of those Acts, become charged for the repayment of such loans with an annual rentcharge of six pounds 30 ten shillings per centum for the term of twenty-two years in some cases, and of five pounds per centum for the term of thirty-five years in other cases; and whereas under the Drainage and Improvement of Lands Act (Ireland), 1863, and the Acts amending the same, the Commissioners have made loans to drainage boards, 35 and by the awards made under those Acts the amounts due in respect of such loans have been apportioned on the lands in the districts of such drainage boards, and such lands have under the provisions of those Acts become charged with an annual rentcharge of six pounds ten shillings per centum on the amount so appor- 40

tioned for the term of twenty-two years in some cases, and of five pounds per centum for the term of thirty-five years in other cases; and whereas in calculating such rentcharges interest was reckoned at the rate of three pounds ten shillings per centum per annum, and it is expedient to reduce the annual amount of the rentcharges by reducing the rate of interest, and extending the term of years during which the rentcharges are payable, be it therefore enacted as follows:—

(1.) As from the first half-yearly day of payment next after the passing of this Act any such rentcharge as aforesaid shall be reduced from six pounds ten shillings per centum, or five pounds per centum, as the case may be, to three pounds ten shillings per centum on the amount still outstanding of the loan, and shall be payable for such term as the Commissioners may by order declare to be necessary for the repayment with interest at three pounds per centum per annum of so much of the loan as has not accrued due for payment on the said half-yearly day of payment, and the order shall as soon as may be after the passing of this Act be made and notified, by post or otherwise, in manner directed by the Commissioners to the person appearing to them to be the person paying the rentcharge.

(2.) Where, on the half-yearly day next after the passing of this Act, there are unpaid arrears of the rentcharge in excess of the half-yearly payment due on that day, this section shall not apply to such rentcharge except upon such Order of the Treasury as hereinafter mentioned.

(3.) Where the Treasury are satisfied upon the report of the Commissioners, that, in the case of an owner of land whose half-yearly payments of rentcharge are so in arrear, the special circumstances are such that it is equitable to apply the provisions of this section to such owner, and to make such provision as hereinafter mentioned for the arrears, the Treasury may, if they think fit, order that upon payment within the time limited by such Order of a portion of the arrears, not being less than the amount of one half-yearly payment of the rentcharge, the remainder of the arrears shall be repayable by such addition to the amount of the rentcharge for repayment of the loan as will repay the said remainder with interest at the rate of three pounds per centum per annum within the period at which the last-mentioned rentcharge will by virtue of this Act terminate, and upon such order being made and portion of arrears paid this section shall apply, and the Commissioners shall make an order accordingly, and by



A.D. 1889. such order charge the land with the addition to the annuity for the repayment of arrears, and such charge shall have the same priority as the charge on the land of the rentcharge in arrear.

*Succession Duty.*

New assess-  
ment of  
succession  
duty in  
certain cases.

42.—(1.) It shall be lawful for the owner of any land who has 5 paid succession duty in respect thereof, to apply to the Commissioners of Inland Revenue (herein-after in this section called "the Commissioners,") for a new assessment of the succession duty on such land where,—

(a.) the income derivable from such land has since such suc- 10 cession been reduced by the fixing of judicial rents or otherwise under the Land Law (Ireland) Acts; and—

(b.) the period taken in calculating the value of such succession as the probable duration of his life was still unexpired when such reduction took place. 15

(2.) Such application shall be accompanied by a statement showing the amount by which the said income has been reduced, and the date of each reduction, and such other particulars as the Commissioners may require in any case or as may be prescribed.

(3.) The Commissioners shall thereupon consider the application, 20 and if satisfied that the income on which the value of the succession was originally estimated has been reduced in manner aforesaid within the period aforesaid shall make a new assessment of the succession duty, taking into account such reduction of income as aforesaid, and the applicant shall have the same right of appeal in 25 every respect against such new assessment, or against any refusal of the Commissioners to make a new assessment, as he had against the original assessment under the Succession Duty Act, 1853.

(4.) The difference between the original assessment of the succession duty and the new assessment made under this section 30 shall be repaid or allowed by the Commissioners to such owner as aforesaid.

(5.) The Commissioners may make such rules and issue such forms as they think necessary respecting applications to be made to them under this section. 35

*Poor Rates on Holdings valued at and under 4l.*

Repeal of  
section 1 of  
6 & 7 Vict.  
c. 92.

43.—(1.) From and after the passing of this Act the first section of the Act passed in the session of Parliament held in the sixth and seventh years of Her present Majesty's reign, chapter ninety- 40 two, shall be and the same is hereby repealed.

(2.) The occupier of any rateable hereditament, which is valued under the Acts relating to the valuation of rateable property in Ireland at not more than *four pounds* a year, and whose immediate lessor would before the *passing of this Act* have been rated to the relief of the poor in respect of such hereditament, may, on payment of the poor rate in respect of such hereditament, deduct the amount thereof from the rent he may then or next thereafter be liable to pay in respect of such hereditament, and if rent sufficient to cover such rate be not then, or do not thereafter become due from such occupier, he shall be entitled to recover the same, or so much thereof as shall not be covered by the rent, from such lessor by civil bill.

A.D. 1885.

*General Amendments.*

44. When any land, being settled land within the meaning of the Settled Land Act, 1882, is sold under the Land Law (Ireland) Acts, and such land is subject to any instalment mortgage created under the provisions of the fifty-second section of the Irish Church Act, 1869, or to any land improvement charge or drainage charge as defined by the Land Law (Ireland) Act, 1887, or to any instalments or annuity payable in respect of the purchase of any tithe rentcharge under the Irish Church Act, 1869, or the Irish Church Act, 1869, Amendment Act, 1872, or to any annuity created under this Act, it shall be lawful for the trustees of such settled land, or other person to whom the purchase money thereof is payable to apply the same in the redemption of any such instalment mortgage, charge, instalments, or annuity, as aforesaid, or such part of same as may at the time of such sale be apportioned in respect of the land sold.

On sale of settled land purchase money may be applied to redemption of certain charges.

45.—(1.) Whenever an owner of land has been unable, for a period of twelve months, without any default of his own, to make any substantially profitable use thereof, by reason of intimidation having been practised in the district in which such land is situate, or where such land has been let at a rent to a tenant, but no rent therefor has been received by the owner for a period of twelve months, or where during part of such period of twelve months the land has been let at a rent and no rent has been received therefor, and during the residue of such period the owner, without any default of his own, has been unable, owing to the prevalence of such intimidation, to make any substantially profitable use of such land, then in every such case the owner or his solicitor or agent in respect of such land may make a statutory declaration to that

Land to be exempted from payment of rates and taxes in certain cases.

A.D. 1898.

effect, and claiming that such land and the owner thereof shall be exempted from the payment of any income tax, poor rate, and grand jury cess that may be due in respect of such land for the aforesaid period of twelve months, and shall serve a copy of such declaration upon the income tax collector, clerk of the union, and 5 secretary of the grand jury respectively. An owner shall not be deemed to have made any substantially profitable use of land by reason only that the same has been partially used for grazing or any temporary purpose without any substantial profit being obtained thereby by the owner. 10

(2.) Such land and the owner thereof shall thereupon be exempt from the payment of such income tax, poor rate, and grand jury cess respectively, unless the income tax collector, the clerk of the union, or secretary to the grand jury respectively, within three months after the service of the copy of such declaration, shall apply 15 to the justices in petty sessions of the district in which such holding is situate, to disallow such claim, and the same shall have been disallowed accordingly. Provided that where any rent for the aforesaid period of twelve months, or any part thereof, shall have been subsequently paid to or recovered by the owner of such land, 20 such income tax, poor rate, and grand jury cess shall thereupon become payable, and may be recovered accordingly.

(3.) Every such application shall be heard and determined by the justices in a summary manner, and they may order that the costs of such application be paid by the unsuccessful party, 25 and such order may be enforced in the same manner as an order for the payment of money made at petty sessions is now by law enforceable.

### PART III.

#### MISCELLANEOUS.

30

Interpre-  
tation of  
terms.

46. In this Act, unless the context otherwise requires, the expression "incumbrance" means any legal or equitable mortgage in fee or for any less estate, and also any money secured by a trust, and also any legacy, portion, or other charge whereby a gross sum of money is secured to be paid, and also any annuity, rentcharge, or 35 other periodical charge, whether for a life or lives or any greater estate.

The expression "owner" includes any person seized of or entitled at law or in equity to the land subject to the incumbrance, as tenant in fee simple, or in fee tail, general, or special, or as tenant by courtesy, and also any person who shall be entitled under any will or settlement, or any other deed or instrument (except a grant or lease reserving rent, or an agreement in writing for such grant or lease), for his own life, or the life of any other person, or for years determinable on such life or lives, and also any person who shall be entitled under any lease granted by a bishop, or any collegiate or ecclesiastical body, or under any lease granted by any person having immediate or derivative title from or under any bishop or any collegiate or ecclesiastical body, which lease shall contain a toties quoties covenant of renewal, and also any person who shall be entitled under any grant, lease, or any other deed or assurance, for an estate in fee, or for a term of years absolute, whereof one hundred years or more shall be unexpired, or for an estate or interest for any life or lives renewable for ever, or for any term or terms of years renewable for ever, whether such last-mentioned person shall be entitled to any such estate, term, or interest either absolutely, or as a tenant in tail, or as quasi tenant in tail, or for his life.

The expression "Land Commission" means the Irish Land Commission.

The expression "the Land Law (Ireland) Acts" means the Landlord and Tenant (Ireland) Act, 1870; the Land Law (Ireland) Act, 1881; the Purchase of Land (Ireland) Act, 1885; the Land Law (Ireland) Act, 1887; and any Act amending them.

The expression "prescribed" when used with reference to the Land Commission or the Commissioners of Inland Revenue means prescribed by any rules made by the Land Commission or the said Commissioners respectively under this Act.

47. This Act may be cited for all purposes as the Land Charges (Ireland) Act, 1889. Short title.

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## SCHEDULES.

# Land Charges (Ireland),

## B I L L

To facilitate the Re-adjustment and  
Redemption of Charges on Land in  
Ireland, and for other purposes  
relating thereto.

(Proposed and brought in by  
*Mr. Francis Pendergast, Colonel Commandant,  
Mr. David Barry, Colonel, General, Mr. James  
Camp, and Mr. Charles Linnell.)*

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